

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

BY: JUDITH C. BARNES, CLERK
DEPUTY CLERK

LOWELL MILLER,) CASE NO. 7:14CV00688
)
Petitioner,)
v.) FINAL ORDER
)
)
CARL MANIS, WARDEN,) By: Hon. Glen E Conrad
) Chief United States District Judge
Respondent.)

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that the clerk **SHALL** correct the court's docket to designate this action as a petition for a writ of habeas corpus under 28 U.S.C. § 2241; petitioner's motion to amend the petition (ECF No. 5) is **GRANTED**; but the § 2241 petition, as amended, is **DISMISSED** without prejudice; and this action is stricken from the active docket of the court.

Further, finding that petitioner has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

ENTER: This 9th day of February, 2015.



Chief United States District Judge